

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail, in an envelope addressed to: MS Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: January 30, 2006

Signature:

*Andrea Silverman*  
(Andrea Silverman)

Docket No.: PBLI-P01-007  
(PATENT)

*DAC/*

*ZFW*

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:  
Sidney Pestka

Confirmation No.: 1152

Application No.: 09/872,349

Art Unit: 1643

Filed: May 31, 2001

Examiner: Sheela J. Huff

January 30, 2006

For: PHOSPHORYLATED PROTEINS AND USES  
RELATED THERETO

**COMMUNICATION REQUESTING EXCUSE OF ERROR IN FEE PAYMENTS, AND  
PAYMENT OF FEE DEFICIENCIES UNDER 37 CFR § 1.28**

MS Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

**INTRODUCTORY COMMENTS**

This Communication is submitted to request excuse of error in fee payments and payment of the fee deficiencies under 37 CFR § 1.28. Applicants inadvertently and in good faith made several payments at the small entity rate. However, such payments should have been made at the rate established for large entities. The fee deficiencies are as follows:

1. Payment of \$475.00 on January 5, 2004 for a three month extension of time. The fee for a three month extension of time for a large entity is \$1,020.00. Accordingly, the fee deficiency is \$545.00.
2. Payment of \$250.00 on December 13, 2004 for a Notice of Appeal. The fee for a Notice of Appeal for a large entity is \$500.00. Accordingly, the fee deficiency is \$250.00.

02/02/2006 SLUANG1 00000007 181945 09872349

01 FC:1401	500.00 DA
02 FC:1801	790.00 DA
03 FC:1251	120.00 DA
04 FC:1253	1020.00 DA
05 FC:1255	2160.00 DA
3177915.1	

3. Payment of \$1080.00 on July 13, 2005 for a five month extension of time. The fee for a five month extension of time for a large entity is \$2,160.00. Accordingly, the fee deficiency is \$1,080.00.
4. Payment of \$385.00 on July 13, 2005 for an RCE. The fee for an RCE for a large entity is \$790.00. Accordingly, the fee deficiency is \$405.00.
5. Payment of \$60.00 on January 13, 2006 for a one month extension of time. The fee for a one month extension of time for a large entity is \$120.00. Accordingly, the fee deficiency is \$60.00.

The sum of the above fee deficiencies is \$2,340.00. Authorization is hereby given to charge this amount to Deposit Account No. 18-1945, under Order No. PBLI-P01-007. If any additional fees are deemed necessary, authorization is hereby given to charge any such fee to Deposit Account No. 18-1945, under Order No. PBLI-P01-007.

Dated: January 30, 2006

Respectfully submitted,

By 

Spencer H. Schneider

Registration No.: 45,923

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Attorneys/Agents For Applicant

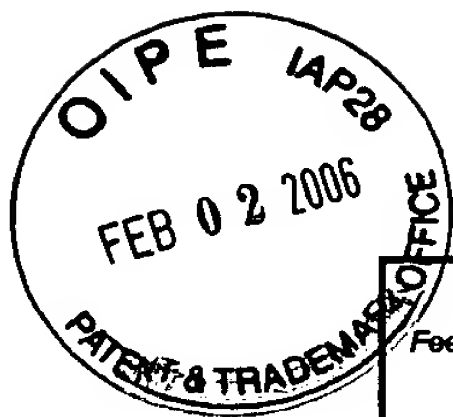
Adjustment date: 02/02/2006 SLUANG1  
01/09/2004 MAHMED1 00000076 181945 09872349  
01 FC:2253 475.00 CR

Adjustment date: 02/02/2006 SLUANG1  
12/15/2004 CNGUYEN 00000037 181945 09872349  
01 FC:2401 250.00 CR

Adjustment date: 02/02/2006 SLUANG1  
07/18/2005 WABDELRI 00000048 181945 09872349  
01 FC:2801 395.00 CR

Adjustment date: 02/02/2006 SLUANG1  
07/18/2005 WABDELRI 00000048 181945 09872349  
02 FC:2255 1080.00 CR

Adjustment date: 02/02/2006 SLUANG1  
01/18/2006 HDEMESS1 00000005 181945 09872349  
01 FC:2251 60.00 CR



Under the Paperwork Reduction Act of 1995, no person are required to respond to a collection of information unless it displays a valid OMB control number.

<b>Effective on 12/08/2004.</b> Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).		<b>Complete if Known</b>	
<b>FEE TRANSMITTAL</b> <b>For FY 2005</b>		Application Number	09/872,349
		Filing Date	May 31, 2001
		First Named Inventor	Sidney Pestka
		Examiner Name	Sheela J. Huff
		Art Unit	1643
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27		Attorney Docket No.	PBLI-P01-007
<b>TOTAL AMOUNT OF PAYMENT</b>		<b>(\$)</b>	<b>2,340.00</b>

<b>METHOD OF PAYMENT</b> (check all that apply)	
<input type="checkbox"/> Check	<input type="checkbox"/> Credit Card
<input type="checkbox"/> Money Order	<input type="checkbox"/> None
<input type="checkbox"/> Other (please identify): _____	
<input type="checkbox"/> Deposit Account	Deposit Account Number: <u>18-1945</u> Deposit Account Name: <u>Ropes &amp; Gray LLP</u>
For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)	
<input type="checkbox"/> Charge fee(s) indicated below	<input type="checkbox"/> Charge fee(s) indicated below, except for the filing fee
<input checked="" type="checkbox"/> Charge any additional fee(s) or underpayment of fee(s) under 37 CFR 1.16 and 1.17	<input checked="" type="checkbox"/> Credit any overpayments

<b>FEE CALCULATION</b>							
<b>1. BASIC FILING, SEARCH, AND EXAMINATION FEES</b>							
	<b>FILING FEES</b>		<b>SEARCH FEES</b>		<b>EXAMINATION FEES</b>		
		<b>Small Entity</b>		<b>Small Entity</b>		<b>Small Entity</b>	
<b>Application Type</b>	<b>Fee (\$)</b>	<b>Fee (\$)</b>	<b>Fee (\$)</b>	<b>Fee (\$)</b>	<b>Fee (\$)</b>	<b>Fee (\$)</b>	<b>Fees Paid (\$)</b>
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	
<b>2. EXCESS CLAIM FEES</b>							
						<b>Small Entity</b>	
						<b>Fee (\$)</b>	<b>Fee (\$)</b>
Each claim over 20 (including Reissues)						50	25
Each independent claim over 3 (including Reissues)						200	100
Multiple dependent claims						360	180
<b>Total Claims</b>		<b>Extra Claims</b>	<b>Fee (\$)</b>	<b>Fee Paid (\$)</b>	<b>Multiple Dependent Claims</b>		
_____ - 20 = _____		x _____	= _____		<b>Fee (\$)</b>	<b>Fee Paid (\$)</b>	
<b>Indep. Claims</b>		<b>Extra Claims</b>	<b>Fee (\$)</b>	<b>Fee Paid (\$)</b>			
_____ - 3 = _____		x _____	= _____				
<b>3. APPLICATION SIZE FEE</b>							
If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).							
<b>Total Sheets</b>	<b>Extra Sheets</b>	<b>Number of each additional 50 or fraction thereof</b>		<b>Fee (\$)</b>	<b>Fee Paid (\$)</b>		
_____ - 100 = _____	/50	_____ (round up to a whole number) x _____		= _____			
<b>4. OTHER FEE(S)</b>							
Non-English Specification, \$130 fee (no small entity discount)						<b>Fees Paid (\$)</b>	
Other (e.g., late filing surcharge): _____ Deficiency in fee payments						\$2,340.00	

<b>SUBMITTED BY</b>			
Signature		Registration No. (Attorney/Agent)	45,923
Name (Print/Type)	Spencer H. Schneider	Telephone	(212) 596-9451
		Date	January 30, 2006

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Dated: January 30, 2006

Signature: Andrea Silverman (Andrea Silverman)